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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

J.F., a minor, by and through her  
Guardian Ad Litem, LIZ FRANCO;  
V.F., a minor, by and through her  
Guardian Ad Litem, LIZ FRANCO; and  
M.M., a minor, by and through her  
Guardian Ad Litem, JENNIFER  
MENENDEZ,

Plaintiff,

vs.

CITY OF WOODLAKE; CHRIS  
KAIOUS; JUAN GONZALES; and  
DOES 3-10, inclusive,

Defendants.

Case No. 1:23-CV-01569-JLT-BAM

**FIRST AMENDED COMPLAINT  
FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process—(42  
U.S.C. § 1983)
4. Battery (Wrongful Death and  
Survival Damages)
5. Negligence (Wrongful Death and  
Survival Damages)
6. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR DAMAGES**

1. Plaintiffs J.F., a minor by and through her Guardian Ad Litem LIZ  
FRANCO, V.F., a minor by and through her Guardian Ad Litem LIZ FRANCO  
and M.M., a minor by and through her Guardian Ad Litem JENNIFER

1 MENENDEZ, for their complaint against Defendants CITY OF WOODLAKE,  
2 CHRIS KAIIOUS; JUAN GONZALES and Does 3-10, inclusive, allege as follows:

3 **INTRODUCTION**

4 2. This civil rights action seeks compensatory and punitive damages from  
5 Defendants for violating various rights under the United States Constitution and  
6 state law in connection with the fatal officer involved shooting of Victor Melendez,  
7 decedent, by members of the City of Woodlake Police Department (“WPD”).

8 **PARTIES**

9 3. At all relevant times, Victor Melendez (“DECEDENT”), was an individual  
10 residing in the County of Tulare, California.

11 4. Plaintiff J.F. is a minor individual residing in the County of Seminole,  
12 Florida, and is the natural born daughter to DECEDENT. J.F. sues by and through  
13 her natural mother and Guardian Ad Litem, LIZ FRANCO. J.F. sues both in her  
14 individual capacity as the daughter of DECEDENT and in a representative capacity  
15 as a successor-in-interest to DECEDENT. J.F. seeks both survival, including  
16 DECEDENT’s pain and suffering and loss of enjoyment of life and wrongful death  
17 damages under federal and state law.

18 5. Plaintiff V.F. is a minor individual residing in the County of Seminole,  
19 Florida, and is the natural born daughter to DECEDENT. J.F. sues by and through  
20 her natural mother and Guardian Ad Litem, LIZ FRANCO. J.F. sues both in her  
21 individual capacity as the daughter of DECEDENT and in a representative capacity  
22 as a successor-in-interest to DECEDENT. J.F. seeks both survival and wrongful  
23 death damages under federal and state law.

24 6. Plaintiff M.M. is a minor individual residing in the County of Volusia,  
25 Florida, and is the natural born daughter to DECEDENT. M.M. sues by and  
26 through her natural mother and Guardian Ad Litem, JENNIFER MENENDEZ.  
27 M.M. sues both in her individual capacity as the daughter of DECEDENT and in a  
28

1 representative capacity as a successor-in-interest to DECEDENT. M.M. seeks both  
2 survival and wrongful death damages under federal and state law.

3 7. At all relevant times, Defendant CITY OF WOODLAKE (“CITY”) is and  
4 was a duly organized public entity, form unknown, existing under the laws of the  
5 State of California. At all relevant times, CITY was the employer of Defendants  
6 CHRIS KAIIOUS and JUAN GONZALES, who were CITY police officers, DOES  
7 5-6, who were CITY police officers’ supervisory officers, and DOES 7-10, who  
8 were managerial, supervisory, and policymaking employees of the CITY Police  
9 Department. On information and belief, at all relevant times, CHRIS KAIIOUS,  
10 JUAN GONZALES and DOES 3-10 were residents of the County of Tulare,  
11 California. CHRIS KAIIOUS, JUAN GONZALES and DOES 3-10 are sued in  
12 their individual capacity for damages only.

13 8. At all relevant times, Defendants CHRIS KAIIOUS, JUAN GONZALES and  
14 DOES 3-10 were duly authorized employees and agents of CITY, who were acting  
15 under color of law within the course and scope of their respective duties as sheriff’s  
16 deputies and with the complete authority and ratification of their principal,  
17 Defendant CITY.

18 9. At all relevant times, Defendants CHRIS KAIIOUS, JUAN GONZALES and  
19 DOES 3-10 were duly appointed deputies and/or employees or agents of CITY,  
20 subject to oversight and supervision by CITY’s elected and non-elected officials.

21 10. In doing the acts and failing and omitting to act as hereinafter described,  
22 Defendants CHRIS KAIIOUS, JUAN GONZALES and DOES 3-10 were acting on  
23 the implied and actual permission and consent of CITY.

24 11. At all times mentioned herein, each and every CITY defendant was the  
25 agent of each and every other CITY defendant and had the legal duty to oversee  
26 and supervise the hiring, conduct and employment of each and every CITY  
27 defendant.  
28

12. The true names of defendants DOES 3 through 10, inclusive, are unknown to PLAINTIFFS, who therefore sue these defendants by such fictitious names. PLAINTIFFS will seek leave to amend this complaint to show the true names and capacities of these defendants when they have been ascertained. Each of the fictitious named defendants is responsible in some manner for the conduct and liabilities alleged herein.

13. On June 14, 2023, PLAINTIFFS served their claims for damages with CITY pursuant to applicable sections of the California Government Code.

14. On June 26, 2023, CITY rejected PLAINTIFFS' claims for damages.

### **JURISDICTION AND VENUE**

15. This civil action is brought for the redress of alleged deprivations of constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the Fourth of the United States Constitution. Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

16. Venue is proper in this Court under 28 U.S.C. § 1391(b), because Defendants reside in, and all incidents, events, and occurrences giving rise to this action occurred in the County of Tulary, California.

### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

17. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 16 of this Complaint with the same force and effect as if fully set forth herein.

18. On December 17, 2022, DECEDENT was in his vehicle, near the area of Highway 198 and Road 196, in Tulare County, near the City of Exeter, California. DECEDENT's vehicle was stopped, it was not being driven and was not in operating condition at the time of the shooting.

19. While near Highway 198 and Road 196, in Tulare County, CHRIS KAIIOUS and JUAN GONZALES discharged their firearms at DECEDENT, striking him

1 several times, causing DECEDENT serious physical injury and eventually killing  
2 him.

3 20. In information and belief, DECEDENT did not have a gun during the  
4 incident, including at the time of the shooting.

5 21. At the time of the shooting, DECEDENT did not pose an immediate or  
6 imminent threat of death or serious physical injury to either CHRIS KAIIOUS and  
7 JUAN GONZALES or any other person. DECEDENT was not about to kill or  
8 seriously injury anyone when he was fatally shot by CHRIS KAIIOUS and JUAN  
9 GONZALES. Further, DECEDENT did not try to punch, kick or strike any of the  
10 involved officers and did not physically try to touch them or their  
11 weapons/equipment.

12 22. DECEDENT was not about to run anyone over at the time of the shooting,  
13 no one was about to be struck by DECEDENT's vehicle at the time of the shooting.  
14 Further, DECEDENT's vehicle was stationary when the involved officers  
15 discharged their firearms at DECEDENT.

16 23. There were other reasonable alternatives available to the involved officers,  
17 which were not exhausted prior to using deadly force against DECEDENT.

18 24. On information and belief, the involved officers did not provide timely  
19 medical care to DECEDENT, they did not timely summons medical assistance for  
20 DECEDENT, and/or they prevented medical assistance from being timely provided  
21 to DECEDENT.

22 **FIRST CLAIM FOR RELIEF**

23 **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

24 (By Plaintiffs against Defendants Chris Kaiious and Juan Gonzales)

25 25. Plaintiff repeats and realleges each and every allegation in paragraphs 1  
26 through 23 of this Complaint with the same force and effect as if fully set forth  
27 herein.  
28

1       26. CHRIS KAIIOUS and JUAN GONZALES's unjustified shooting deprived  
2 DECEDENT of his right to be secure in his persons against unreasonable searches  
3 and seizures as guaranteed to DECEDENT under the Fourth Amendment to the  
4 United States Constitution and applied to state actors by the Fourteenth  
5 Amendment.

6       27. The unreasonable use of force by Defendants CHRIS KAIIOUS and JUAN  
7 GONZALES deprived the DECEDENT of his right to be secure in his person  
8 against unreasonable searches and seizures as guaranteed to DECEDENT under the  
9 Fourth Amendment to the United States Constitution and applied to state actors by  
10 the Fourteenth Amendment.

11       23. As a result, DECEDENT suffered extreme mental and physical pain  
12 and suffering, loss of enjoyment of life and eventually suffered a loss of life and of  
13 earning capacity. Plaintiffs have also been deprived of the life-long love,  
14 companionship, comfort, support, society, care, and sustenance of DECEDENT, and  
15 will continue to be so deprived for the remainder of their natural lives. Plaintiffs are  
16 also claiming funeral and burial expenses and a loss of financial support.

17       24. As a result of the conduct of CHRIS KAIIOUS and JUAN  
18 GONZALES, they are liable for DECEDENT's injuries, either because they were  
19 integral participants in the excessive force, or because they failed to intervene to  
20 prevent these violations.

21       25. This use of deadly force was excessive and unreasonable under the  
22 circumstances, especially since DECEDENT did not pose an immediate threat of  
23 death or serious bodily injury at the time of the shooting, DECEDENT was not  
24 trying to physically injure anyone, including the involved officers, shortly before or  
25 at the time of the shooting, and there were less than lethal alternatives available,  
26 which were not exhausted before resorting to the use of deadly force against  
27 DECEDENT. Further, DECEDENT was unarmed during the incident, his vehicle  
28 was not moving when he was shot and no one was in danger of being struck by

1 DECEDENT's vehicle at the time of the shooting. Defendants' actions thus  
2 deprived DECEDENT of his right to be free from unreasonable searches and  
3 seizures under the Fourth Amendment and applied to state actors by the Fourteenth  
4 Amendment.

5 26. The conduct of CHRIS KAIIOUS and JUAN GONZALES was willful,  
6 wanton, malicious, and done with reckless disregard for the rights and safety of  
7 DECEDENT and therefore warrants the imposition of exemplary and punitive  
8 damages as to Defendants CHRIS KAIIOUS and JUAN GONZALES.

9 27. Plaintiffs bring this claim as successor-in-interest to the DECEDENT,  
10 and seek both survival damages, including DECEDENT's pain and suffering and  
11 loss of enjoyment of life and wrongful death damages for the violation of  
12 DECEDENT's rights.

13 28. Plaintiffs also seek attorney fees under this claim.  
14

## 15 **SECOND CLAIM FOR RELIEF**

### 16 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

17 (By Plaintiffs Against Defendants Chris Kaiious And Juan Gonzales)

18 29. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
19 through 28 of this Complaint with the same force and effect as if fully set forth  
20 herein.

21 30. The denial of medical care by Defendants CHRIS KAIIOUS and JUAN  
22 GONZALES deprived DECEDENT of his right to be secure in his person against  
23 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth  
24 Amendment to the United States Constitution and applied to state actors by the  
25 Fourteenth Amendment.

26 31. As a result, DECEDENT suffered extreme mental and physical pain  
27 and suffering and eventually suffered a loss of life and earning capacity. Plaintiffs  
28 have also been deprived of the life-long love, companionship, comfort, support,



1 society, care, and sustenance of DECEDENT, and will continue to be so deprived  
2 for the remainder of their natural lives. Plaintiffs are also claiming funeral and  
3 burial expenses and a loss of financial support.

4 32. Defendants CHRIS KAIOUS and JUAN GONZALES knew that  
5 failure to provide timely medical treatment to DECEDENT could result in further  
6 significant injury or the unnecessary and wanton infliction of pain, but disregarded  
7 that serious medical need, causing DECEDENT great bodily harm and death.

8 33. After shooting DECEDENT multiple times, CHRIS KAIOUS and  
9 JUAN GONZALES did not timely summons medical attention for DECEDENT,  
10 who was bleeding profusely and had obvious serious injuries, and CHRIS KAIOUS  
11 and JUAN GONZALES also did not allow and prevented responding medical  
12 personnel on-scene to timely render medical aid/assistance to DECEDENT.

13 34. The conduct of CHRIS KAIOUS and JUAN GONZALES was willful,  
14 wanton, malicious, and done with reckless disregard for the rights and safety of  
15 DECEDENT and therefore warrants the imposition of exemplary and punitive  
16 damages as to Defendants CHRIS KAIOUS and JUAN GONZALES.

17 35. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
18 and seek both survival and wrongful death damages for the violation of  
19 DECEDENT's rights.

20 36. Plaintiffs also seek attorney's fees under this claim.

### 21 22 **THIRD CLAIM FOR RELIEF**

#### 23 **Substantive Due Process (42 U.S.C. § 1983)**

24 (By Plaintiffs Against Defendants Chris Kaious and Juan Gonzales)

25 37. Plaintiffs repeat and reallege each and every allegation in  
26 paragraphs 1 through 36 of this Complaint with the same force and effect as if fully  
27 set forth herein.



1           38. J.F. Jand had a cognizable interest under the Due Process Clause of  
2 the Fourteenth Amendment of the United States Constitution to be free from state  
3 actions that deprive her of life, liberty, or property in such a manner as to shock the  
4 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
5 familial relationship with her father, DECEDENT.

6           39. V.F. had a cognizable interest under the Due Process Clause of the  
7 Fourteenth Amendment of the United States Constitution to be free from state  
8 actions that deprive her of life, liberty, or property in such a manner as to shock the  
9 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
10 familial relationship with her father, DECEDENT.

11           40. N.M. had a cognizable interest under the Due Process Clause of the  
12 Fourteenth Amendment of the United States Constitution to be free from state  
13 actions that deprive her of life, liberty, or property in such a manner as to shock the  
14 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
15 familial relationship with her father, DECEDENT

16           41. As a result of the excessive force by CHRIS KAIOUS and JUAN  
17 GONZALES, and their failure to intervene, DECEDENT died. Plaintiffs J.F., V.F.  
18 and N.M. were thereby deprived of their constitutional right of familial relationship  
19 with DECEDENT.

20           42. Does 1-4, acting under color of state law, thus violated the Fourteenth  
21 Amendment rights of J.F., V.F. and N.M. to be free from unwarranted interference  
22 with their familial relationship with DECEDENT.

23           43. The aforementioned actions of CHRIS KAIOUS and JUAN  
24 GONZALES, along with other undiscovered conduct, shock the conscience, in that  
25 they acted with deliberate indifference to the constitutional rights of DECEDENT  
26 and Plaintiffs J.F., V.F. and N.M. and with purpose to harm unrelated to any  
27 legitimate law enforcement objective.  
28

1           44. Defendants CHRIS KAIOUS and JUAN GONZALES, acting under  
2 color of state law, thus violated the Fourteenth Amendment rights of DECEDENT  
3 and Plaintiffs.

4           45. As a direct and proximate cause of the acts of CHRIS KAIOUS and  
5 JUAN GONZALES, DECEDENT experienced severe pain and suffering and lost  
6 his life and earning capacity. Plaintiffs suffered extreme and severe mental anguish  
7 and pain and have been injured in mind and body. Plaintiffs has also been deprived  
8 of the life-long love, companionship, comfort, support, society, care and sustenance  
9 of DECEDENT, and will continue to be so deprived for the remainder of their  
10 natural lives. Plaintiffs are also claiming funeral and burial expenses.

11           46. As a result of the conduct of CHRIS KAIOUS and JUAN  
12 GONZALES, they are liable for DECEDENT'S injuries, either because they were  
13 integral participants in the denial of due process, or because they failed to intervene  
14 to prevent these violations.

15           47. The conduct of CHRIS KAIOUS and JUAN GONZALES was willful,  
16 wanton, malicious, and done with reckless disregard for the rights and safety of  
17 DECEDENT and Plaintiffs and therefore warrants the imposition of exemplary and  
18 punitive damages as to Defendant CHRIS KAIOUS and JUAN GONZALES.

19           48. Plaintiffs brings this claim individually and seek wrongful death  
20 damages for the violation of Plaintiffs' rights.

21           49. Plaintiffs also seek attorney fees under this claim.

22  
23                                   **FOURTH CLAIM FOR RELIEF**

24                                   **Battery (Cal. Govt. Code § 820)**

                                  (Survival and Wrongful Death)

25           (By Plaintiffs Against Defendants Chris Kaious, Juan Gonzales and the City)

26           50. Plaintiffs repeat and realleges each and every allegation in  
27 paragraphs 1 through 49 of this Complaint with the same force and effect as if fully  
28 set forth herein.

1           51.     CHRIS KAIIOUS and JUAN GONZALES, while working as police  
2 officers for the CITY's police department, and acting within the course and scope of  
3 their duties, intentionally shot DECEDENT multiple times. As a result of the  
4 actions of CHRIS KAIIOUS and JUAN GONZALES, DECEDENT suffered severe  
5 pain and suffering and ultimately died from his injuries and lost earning capacity.  
6 CHRIS KAIIOUS and JUAN GONZALES had no legal justification for using force  
7 against DECEDENT and said defendants' use of force while carrying out their  
8 police officer duties was an unreasonable use of force. Especially since  
9 DECEDENT was unarmed during the incident, his vehicle was stopped at the time  
10 of the shooting and no one was about to be ran over or struck by DECEDENT's  
11 vehicle at the time of the shooting.

12           52.     As a direct and proximate result of defendants' conduct as alleged  
13 above, Plaintiffs suffered extreme and severe mental anguish and pain and have  
14 been injured in mind and body. Plaintiffs also have been deprived of the life-long  
15 love, companionship, comfort, support, society, care and sustenance of their father,  
16 DECEDENT, and will continue to be so deprived for the remainder of their natural  
17 life. Plaintiffs are also claiming funeral and burial expenses and loss of financial  
18 support.

19           53.     CITY is vicariously liable for the wrongful acts of CHRIS KAIIOUS  
20 and JUAN GONZALES pursuant to section 815.2(a) of the California Government  
21 Code, which provides that a public entity is liable for the injuries caused by its  
22 employees within the scope of the employment if the employee's act would subject  
23 him or her to liability.

24           54.     The conduct of CHRIS KAIIOUS and JUAN GONZALES was  
25 malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
26 rights of Plaintiffs and DECEDENT, entitling Plaintiffs, individually and as  
27 successors-in-interest to DECEDENT, to an award of exemplary and punitive  
28 damages.

1           55. Plaintiffs brings this claim both individually and as a successors-in-  
2 interest to DECEDENT, and seeks both survival damages, including pre-death pain  
3 and suffering, and wrongful death damages under this claim.  
4

5                           **FIFTH CLAIM FOR RELIEF**  
6                           **Negligence (Cal. Govt. Code § 820)**  
7                           **(Survival and Wrongful Death)**  
8                           **(By Plaintiffs Against All Defendants)**

9           56. Plaintiffs repeat and realleges each and every allegation in paragraphs 1  
10 through 55 of this Complaint with the same force and effect as if fully set forth  
11 herein.

12           57. The actions and inactions of the Defendants were negligent and  
13 reckless, including but not limited to:

- 14                   (a) the failure to properly and adequately assess the need to detain,  
15                   arrest, and use force or deadly force against DECEDENT;
- 16                   (b) the negligent tactics and handling of the situation with  
17                   DECEDENT, including pre-shooting negligence;
- 18                   (c) the negligent detention, arrest, and use of force, including deadly  
19                   force, against DECEDENT;
- 20                   (d) failure to recognize that DECEDENT was unarmed and did not  
21                   have a gun;
- 22                   (e) failure to recognize that DECEDENT's car was stopped and was  
23                   no longer being driven;
- 24                   (f) the failure to summons and provide prompt medical care to  
25                   DECEDENT;
- 26                   (g) the failure to properly train and supervise employees, both  
27                   professional and non-professional, including CHRIS KAIIOUS  
28                   and JUAN GONZALES;

- 1 (h) the failure to ensure that adequate numbers of employees with  
2 appropriate education and training were available to meet the  
3 needs of and protect the rights of DECEDENT; and  
4 (i) the negligent handling of evidence and witnesses.

5 58. As a direct and proximate result of defendants' conduct as alleged  
6 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer  
7 severe pain and suffering and ultimately died and lost earning capacity. Also, as a  
8 direct and proximate result of defendants' conduct as alleged above, Plaintiffs  
9 suffered extreme and severe mental anguish and pain and have been injured in mind  
10 and body. Plaintiffs also have been deprived of the life-long love, companionship,  
11 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
12 be so deprived for the remainder of their natural lives. Plaintiffs also are claiming  
13 funeral and burial expenses and loss of financial support.

14 59. CITY is vicariously liable for the wrongful acts of CHRIS KAIIOUS  
15 and JUAN GONZALES pursuant to section 815.2 of the California Government  
16 Code, which provides that a public entity is liable for the injuries caused by its  
17 employees within the scope of the employment if the employee's act would subject  
18 him or her to liability.

19 60. Plaintiffs bring this claim both individually and as successor in interest  
20 to DECEDENT and seek both wrongful death damages and survival damages under  
21 this claim.

22  
23 **SIXTH CLAIM FOR RELIEF**

24 **Violation of Bane Act (Cal. Civil Code § 52.1)**

25 (By Plaintiffs against Chris Kaiious, Juan Gonzales and the City)

26 61. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
27 through 59 of this Complaint with the same force and effect as if fully set forth  
28 herein.

1           62. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
2 person from interfering with another person's exercise or enjoyment of his  
3 constitutional rights by threats, intimidation, or coercion.

4           63. Conduct that violates the Fourth Amendment can also amount to  
5 conduct that violates the California Bane Act.

6           64. Defendant CHRIS KAIIOUS and JUAN GONZALES use of deadly  
7 force was excessive and unreasonable under the circumstances, especially since  
8 DECEDENT was unarmed during the incident, including at the time of the shooting,  
9 and DECEDENT never attempted to punch, kick, or strike any of the involved  
10 officers and he never attempted to touch or grab any of the involved officers'  
11 equipment or guns. Moreover, DECEDENT's vehicle was stationary at the time of  
12 the shooting and no one was about to be run over or struck by DECEDENT's  
13 vehicle. Further, DECEDENT did not pose an imminent threat of death or serious  
14 bodily injury towards anyone, when he was fatally shot. Defendants' actions thus  
15 deprived DECEDENT of his right to be free from unreasonable searches and  
16 seizures and to be free from having unreasonable and excessive force used against  
17 him. Further, the involved officers acted with a reckless disregard of constitutional  
18 and statutory rights of the DECEDENT, including the right to be free from having  
19 unreasonable and excessive deadly force used against him.

20           65. The involved officers intentionally used excessive deadly force against  
21 DECEDENT by recklessly disregarding the DECEDENT's right to be free from  
22 excessive force.

23           66. CHRIS KAIIOUS and JUAN GONZALES, while working as police  
24 officers for the CITY's police department, and acting within the course and scope of  
25 their duties, interfered with or attempted to interfere with the rights of DECEDENT  
26 to be free from unreasonable searches and seizures, to equal protection of the laws,  
27 to access to the courts, and to be free from state actions that shock the conscience,  
28

1 by threatening or committing acts involving violence, threats, coercion, or  
2 intimidation.

3 66. On information and belief, DECEDENT reasonably believed that if he  
4 exercised his rights, including his civil rights, CHRIS KAIOUS and JUAN  
5 GONZALES would commit acts involving violence, threats, coercion, or  
6 intimidation against them or their property.

7 67. On information and belief Defendant CHRIS KAIOUS and JUAN  
8 GONZALES injured DECEDENT to prevent him from exercising his rights or  
9 retaliated against Decedent for having exercised his rights.

10 68. DECEDENT was caused to suffer extreme pain and suffering and  
11 eventually suffered a loss of life and of earning capacity. Plaintiffs have also been  
12 deprived of the life-long love, companionship, comfort, support, society, care, and  
13 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
14 their natural lives. Plaintiffs are also claiming funeral and burial expenses and a loss  
15 of financial support.

16 69. The conduct of CHRIS KAIOUS and JUAN GONZALES was a  
17 substantial factor in causing the harms, losses, injuries, and damages of  
18 DECEDENT and Plaintiffs.

19 70. CITY is vicariously liable for the wrongful acts of CHRIS KAIOUS  
20 and JUAN GONZALES pursuant to section 815.2(a) of the California Government  
21 Code, which provides that a public entity is liable for the injuries caused by its  
22 employees within the scope of the employment if the employee's act would subject  
23 him or her to liability.

24 71. The conduct of CHRIS KAIOUS and JUAN GONZALES was  
25 malicious, wanton, oppressive, and accomplished with a conscious disregard for the  
26 rights of DECEDENT entitling Plaintiffs to an award of exemplary and punitive  
27 damages.

28



72. Plaintiffs bring this claim in a representative capacity as the successors-in-interest to DECEDENT, and seek survival damages, including for pre-death pain and suffering and loss of enjoyment of life for the violation of DECEDENT's rights.

73. The Plaintiffs also seek attorney fees under this claim.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in her favor and against Defendants City of Woodlake, Chris Kaious, Juan Gonzales and Does 3-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages, including pain and suffering and loss of enjoyment of life and wrongful death damages under state law and federal law, in the amount to be proven at trial;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For treble damages under Civil Code Section 52.1.
- F. For reasonable costs of this suit and attorneys' fees; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 18, 2024

LAW OFFICES OF DALE K. GALIPO

By /s/ Eric Valenzuela

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury.

DATED: April 18, 2024

LAW OFFICES OF DALE K. GALIPO

By /s/ Eric Valenzuela

Dale K. Galipo

Eric Valenzuela

Attorneys for Plaintiffs